

DEADLINES FOR HEARING ACTIVITIES -- 10 CFR PART 2, SUBPART L

Subpart L is a less formal hearing process that balances the need for formal procedures and the expeditious resolution of contested matters. Subpart L is the default track for adjudicatory proceedings and can also be used upon mutual agreement of the parties in enforcement proceedings. Subpart L hearings can take the form of either an oral hearing or a hearing consisting of written comments. Subpart L proceedings require mandatory disclosure at the discovery phase and generally limit cross-examination by the parties. This guide is not a replacement for the procedural regulations in 10 CFR Part 2. To the extent users rely on this guide, they do so at their own risk.

REQUEST FOR HEARING/PETITION TO INTERVENE AND RELATED FILINGS			
Action	Deadline	Notes	Section
Request for Hearing/Petition to Intervene	If the Director issues notice of denial/proposed denial of application, within 20 days from date of notice of denial/proposed denial, or as specified in the notice.		§2.103(b)(2)
	If notice is published in the <i>Federal Register</i> , within time specified (must be at least 60 days after publication) or, if no time is specified, within 60 days of publication of the proposed agency action or notice of hearing.	Include standing and contentions.	2.309(a)–(b)
	If a Federal Register notice is not published, not later than the latest of 60 days, after publication of notice on the NRC's Web site, http://www.nrc.gov/what-we-do/regulatory/adjudicatory/hearing-license-applications.html , or 60 days after the requester received actual notice of a pending application, but not more than 60 days after agency action on the application.	Include standing and contentions.	§ 2.309(a)–(b)
Answer	Filed within 25 days of request for hearing/petition to intervene.	At a minimum, address factors in § 2.309(a)–(g).	§ 2.309(h)(1)
Reply to Answers	Filed within 7 days of answer to request for hearing/petition to intervene.		§ 2.309(h)(2)
Decision on Request for Hearing/Petition to Intervene	Issued within 45 days of filing of answers or replies to answers (absent Commission extension).		§ 2.309(i)

NRC ACTIONS			
Action	Deadline	Notes	Section
Regulatory Action	Staff must notify the presiding officer and parties of any action taken on the regulatory matter at issue, including the staff's position on the matters in controversy.		§ 2.1202(a)
Notification of NRC Party Status	Within 15 days of order granting request for hearing/petition to intervene.		§ 2.1202(b)(2)
NRC Submits Hearing File	Filed within 30 days of order granting request for hearing/petition to intervene.		§ 2.1203(a)(1)
DISCOVERY			
Action	Deadline	Notes	Section
Initial Mandatory Disclosures	Made within 30 days of order granting request for hearing/petition to intervene.	Continuing duty of disclosure.	§ 2.336(a)–(b)
PREHEARING CONFERENCES			
Action	Deadline	Notes	Section
Prehearing Conferences	Required for certain proceedings; within 60 days of completion of discovery.		§§ 2.319(j), 2.329(a)
Objection to Prehearing Conference Order	Within 5 days after service of prehearing conference order.		§ 2.329(e)
Scheduling Order	As soon as practicable.		§ 2.332
SUMMARY DISPOSITION			
Action	Deadline	Notes	Section
Motions for Summary Disposition	Must be submitted no later than 45 days before commencement of hearing.		§ 2.1205(a)
Answer	Filed within 20 days after service of the motion for summary disposition.		§ 2.1205(b)
Determination on Summary Disposition	Issued no later than 15 days before the scheduled commencement of hearing.		§ 2.1205(c)

ORAL HEARING			
Action	Deadline	Notes	Section
Requests for Cross-Examination	Granted only if the presiding officer determines that cross-examination is necessary to ensure adequate development of the record.	Includes cross-examination plan.	§§ 2.323, 2.1204(b)
Written Initial Statements of Position and Testimony	Date set by presiding officer.		§ 2.1207(a)(1)
Written Responses and Rebuttal Testimony	Within 20 days of service of written initial statements of position and testimony.		§ 2.1207(a)(2)
Proposed Questions for Presiding Officer to Consider	Unless otherwise directed, within 20 days of service of initial statements of position and testimony, unless that date is less than 5 days before scheduled commencement of oral hearing, in which case no later than 5 days before the scheduled commencement of the hearing.		§ 2.1207(a)(3)
Proposed Questions Directed to Rebuttal Testimony	Unless otherwise directed, within 7 days after service of rebuttal testimony submitted in (a) (2), unless that date is less than 5 days before the scheduled commencement of the oral hearing, in which case, no later than 5 days before the scheduled commencement of the hearing.		§ 2.1207(a)(3)
WRITTEN PRESENTATION			
Action	Deadline	Notes	Section
Request for Written Presentation	Within 15 days of service of order granting the request for hearing; otherwise, the hearing will be oral.	Requires joint motion and unanimous consent of parties.	§ 2.1206
Initial Written Statements of Position and Written Testimony	Date set by presiding officer.		§ 2.1208(a)(1)
Written Responses, Rebuttal Testimony, and Proposed Written Questions	Unless otherwise directed, within 20 days of service of initial written statements of position and written testimony.		§ 2.1208(a)(2)
Written Questions on Written Responses and Rebuttal Testimony	Unless otherwise directed, within 7 days of service of the written responses and rebuttal testimony in (a) (2).		§ 2.1208(a)(3)
Written Concluding Statements of Position on the Contentions	Unless otherwise directed, within 20 days of service of written response to the presiding officer's questions or, in the absence of questions from the presiding officer, within 20 days of service of the written responses and rebuttal testimony in (a) (2).		§ 2.1208(a)(4)

FINDINGS AND INITIAL DECISION			
Action	Deadline	Notes	Section
File Proposed Findings	Unless otherwise directed, within 30 days of the close of either an oral or written hearing.		§ 2.1209
Initial Decision Issued	Unless Commission directs the record to be certified per § 2.1210(b), the presiding officer shall render an initial decision after completion of a Subpart L hearing. That decision constitutes the Commission's final action 40 days after date of issuance unless (i) a party files a petition for Commission review, (ii) the initial decision is inconsistent with the staff's action, or (iii) the Commission takes review <i>sua sponte</i> .	In writing and based only upon information in the record or facts officially noticed.	§§ 2.1210(a), 2.340(b)
MOTIONS, STAYS, AND REQUESTS FOR RECONSIDERATION			
Action	Deadline	Notes	Section
Motions (generally)	No later than 10 days after the occurrence or circumstance from which the motion arises.	Includes requests for cross-examination; certifies efforts to resolve issue with other parties.	§§ 2.323(a) 2.1204
Answers to Motions	Within 10 days of service of written motion.		§ 2.323(c)
Motion for Reconsideration	Within 10 days of action for which reconsideration is requested.	Concise; 10 page limit	§ 2.323(e)
Stay Petition for Reconsideration	Within 5 days of issuance of notice of NRC staff's action on matter involved in a hearing; Within 10 days of service of a decision or action of a presiding officer.	Concise; 10 page limit, exclusive of affidavits.	§ 2.1213(a), §§ 2.342(a), 2.345(a)(1)
Answer Supporting Stay Petition for Reconsideration	Within 10 days of service of an application for stay or motion for reconsideration.	Concise; 10 page limit, exclusive of affidavits.	§§ 2.1213(c), 2.342(d), 2.345(b)

APPELLATE REVIEW			
Action	Deadline	Notes	Section
Interlocutory Appeals	Within 10 days of an order on a request for hearing/petition to intervene.		§ 2.311(a)
	Within 10 days of an order selecting a hearing procedure.		§ 2.311(d)
Opposition to Interlocutory Appeal	Within 10 days of service of the appeal.		§ 2.311(a)
Appeal From Full/Partial Initial Decision	Within 15 days of service of a full/partial decision of a presiding officer.	Concise; 25 page limit.	§ 2.341(b)(1)
Answer	Within 10 days of service of a petition for review.	Concise; 25 page limit.	§ 2.341(b)(3)
Reply to Answer	Within 5 days of service of any answer.	Concise; 5 page limit.	§ 2.341(b)(3)
Commission Decision on Stay of Immediate Effectiveness	Within 60 days of service of presiding officer decision that otherwise authorizes issuance of a construction permit. Immediate effectiveness review for operating licenses within 30 days of receipt of presiding officer's decision.		§ 2.340(f) § 2.340(g)
Commission Sua Sponte Review	Within 40 days after the date of the decision or action by presiding officer, or within 40 days after service of a petition for review, whichever is greater.		§ 2.341(a)(2)